



PA 18-185—sHB 5452

Education Committee

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK
FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS**

SUMMARY: This act makes several changes to education laws addressing food allergies in schools. It allows any student with a medically diagnosed life-threatening allergic condition to (1) possess, (2) self-administer, or (3) possess and self-administer his or her medication. Correspondingly, the act requires the State Board of Education (SBE) to adopt implementing regulations.

The act requires the State Department of Education (SDE), in conjunction with the Department of Public Health (DPH), to revise, review, and update its guidelines for managing students with life-threatening food allergies or glycogen storage disease. It additionally requires SDE to update its health and physical education curriculum standards and apply for external funding to raise public awareness about food allergies.

The act requires school transportation carriers to provide related training to all school bus drivers. Finally, the act extends the protections of the “Good Samaritan” law to cover school bus drivers rendering certain emergency first aid in response to a student’s allergic reaction.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018, except the provisions relating to SDE's curriculum revisions and funding applications (§ 2) take effect upon passage.

**§ 1 — GUIDELINES AND PLANS FOR STUDENTS WITH LIFE-
THREATENING FOOD ALLERGIES & GLYCOGEN STORAGE DISEASE**

SDE Management Guidelines

By January 1, 2020, the act requires SDE, in conjunction with DPH, to take certain steps regarding students with life-threatening food allergies and glycogen storage disease. It requires SDE to:

1. revise its management guidelines to include training for identifying and evaluating such students and protocols that comply with the protections and accommodations under federal law, and
2. begin biennially reviewing and updating, as the SDE commissioner deems necessary, these guidelines and make any updates available to each board of education.

Existing law requires SDE, in conjunction with DPH, to develop and make available to boards of education, management guidelines for students with life-threatening food allergies and glycogen storage disease. Local and regional boards of education must then implement a plan based on SDE’s management

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guidelines, annually attest to its implementation, and make the plan publicly available.

§ 2 — CURRICULUM STANDARDS & PUBLIC AWARENESS

By January 1, 2020, the act requires SDE to:

1. update its 2006 Healthy and Balanced Living (health and physical education) Curriculum Framework to include life-threatening food allergies;
2. update any culinary arts program or curriculum standards related to the National Family and Consumer Sciences Standards adopted by SBE to include dietary restrictions, cross-contamination, and allergen identification; and
3. apply for available federal or private funding, in consultation with DPH, to promote public awareness and education about food allergies.

§ 3 — SCHOOL BUS DRIVER TRAINING

By June 30, 2019, the act requires school transportation carriers to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector (e.g., “EpiPen”), (3) notifying emergency personnel, and (4) reporting an incident involving a student’s life-threatening allergic reaction. A cartridge injector is an automatic prefilled cartridge injector or similar automatic equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions. The act allows the training to be completed online, provided the online module meets its requirements.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers as follows:

1. following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and
2. upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

“Carriers” for these purposes include any (1) local or regional school district, educational institution providing elementary or secondary education or person, firm, or corporation under contract to the district or institution engaged in the business of transporting students or (2) person, firm, or corporation engaged in the business of transporting primarily persons under age 21 for compensation.

§§ 4-6 — ADMINISTRATION OF MEDICATION

Student Possession & Self-Administration (§ 6)

Under the act, any student with a medically diagnosed life-threatening allergic condition may possess, self-administer, or possess and self-administer his or her medication. To do so, the act requires written authorization for self-

administration signed by (1) the student's parent or guardian and (2) a qualified medical professional.

Existing law allows students diagnosed with asthma and students diagnosed with an allergic condition who require a cartridge injector to retain possession of their medication.

BOE Written Policies & Procedures (§ 4)

The act requires boards of education to adopt written policies and procedures governing how a student may possess, or possess and self-administer, his or her medication.

Existing law requires boards of education to adopt written policies and procedures governing the administration of medication in their schools, including self-administration by students. The policies and procedures must be approved by the school medical advisor or other qualified licensed physician.

State Board of Education Regulations (§ 5)

The act requires SBE to adopt additional regulations that specify conditions by which a student may possess, or possess and self-administer, his or her medication while attending school and, for students with cartridge injectors or similar devices, to also do so while receiving school transportation services.

Existing law requires SBE, in consultation with the DPH commissioner, to adopt regulations that specify conditions by which a student may self-administer his or her medication in school, including students diagnosed with asthma or an allergic condition retaining possession of an inhaler or cartridge injector or similar device. By law, these regulations must require written authorization for self-administration signed by (1) a parent or guardian and (2) an authorized prescriber.

§ 7 — SCHOOL BUS DRIVER IMMUNITY FROM CIVIL DAMAGES

The act generally immunizes school bus drivers from civil liability that may arise from administering a cartridge injector to a student with a medically diagnosed allergic condition requiring treatment on or near a school bus, which may constitute ordinary negligence. The immunity does not apply to acts or omissions by school bus drivers that constitute gross, willful, or wanton negligence.

BACKGROUND

Emergency First Aid Training for Allergic Reactions

By law, SDE and DPH must jointly develop, in consultation with the School Nurse Advisory Council, an annual training program for emergency first aid to students who experience allergic reactions and make it available to local and regional boards of education.

The program must include instruction in:

1. cardiopulmonary resuscitation (CPR),
2. first aid,

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3. food allergies,
4. signs and symptoms of anaphylaxis,
5. prevention and risk-reduction strategies regarding allergic reactions,
6. emergency management and administration of epinephrine, and
7. follow-up and reporting procedures after a student has experienced an allergic reaction.